

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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CURTIS DANCY,

Plaintiff,

-against-

CITY OF NEW YORK, et al.,

Defendants.
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**REPORT AND
RECOMMENDATION**

15-CV-481 (ARR)

ROANNE L. MANN, UNITED STATES MAGISTRATE JUDGE:

In an Electronic Order entered on May 5, 2015, this Court directed plaintiff to show cause, via ECF, by May 8, 2015, why this case should not be dismissed, or, at a minimum, consolidated with an earlier filed civil rights action, Dancy v. City of New York, 15-CV-432 (RJD/RER), which relates to the same incident that is the subject of the instant lawsuit. See Electronic Order (May 5, 2015). To date, plaintiff has not responded to that order. Since plaintiff has flouted the Court's Order, and appears to have filed a lawsuit that is duplicative of an earlier-filed action,¹ it is a recommendation of this Court that the instant action be dismissed without prejudice.

Any objections to this Report and Recommendation must be filed with the Honorable Allyne R. Ross on or before **June 1, 2015**. Failure to file objections in a timely manner may waive a right to appeal the District Court order. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P.

¹ The instant action was filed by attorney Neville O. Mitchell on January 30, 2015; the other action was commenced two days earlier, on January 28, 2015, by attorney Richard P. Reyes.

6(a)(1), 72(b)(2); Small v. Sec'y of Health & Human Servs., 892 F.2d 15, 16 (2d Cir. 1989).

The Clerk is requested to enter this Report and Recommendation into the ECF system.

SO ORDERED.

**Dated: Brooklyn, New York
May 15, 2015**

/s/ Roanne L. Mann
**ROANNE L. MANN
UNITED STATES MAGISTRATE JUDGE**